

**REMARKS**

The Applicant wishes to thank the Examiner for her attention to this application.

The Examiner has noted that the Applicant has made a claim for foreign priority, however, a certified copy of the Canadian application has not been filed as required by 35 U.S.C. 119(b). In response the Applicant submits herewith a certified copy of Canadian Application No. 2,409,623. The Examiner has also requested a copy of Canadian Patent No. 702,309, which was listed in the Information Disclosure Statement filed October 2, 2003, but not submitted at that time. Therefore a copy of Canadian Patent No. 702,309 is submitted herewith in order to comply with 37 CFR 1.98(a)(2).

With regard to the Examiner's objections to the drawings and the abstract of the present application, the Applicant submits a "new sheet" containing Figure 4, which illustrates the circular or elliptical embodiment of the divided oven rack claimed in the present invention. Moreover, the abstract has been amended to remove form and legal phraseology often used in patent claims. In addition, the Applicant has revised the description to replace the word "portion(s)" with the more preferred term "section(s)". This revision does not introduce new subject matter, but instead is effected to more clearly define an element of the present invention.

The Examiner has objected to the claims 1-8, 13-15, 18 and 9-11 presently on file under 35 USC s. 102(b) as being anticipated by United States Patent No. 4,178,844 (Ward et al.). In response, the Applicant has carefully studied the prior art reference and has developed a revised set of claims and firmly submits that the reference fails to provide teachings that would make any one of the claims submitted herewith anticipated on the claim date. The claims submitted herewith are based upon those claims which have been allowed in the corresponding Canadian Patent Application No. 2,409,623. With respect to the claims submitted herewith, it is fully recognized and appreciated that the actions and determinations of a foreign authority such as the Canadian Patent Office are by no means controlling upon the actions of the United States Examiner. However, it is with due respect submitted that determinations respecting the presence of inventive merit and patentable subject matter are no less stringent under Canadian laws and practice than those which obtain in the United States jurisdiction. It is therefore respectfully urged that the actions of the Canadian Examiner in allowing claims of the same scope as those identified above tend to support

the Applicant's position now presented herein for allowance of claims of the same scope in this United States application.

The Applicant also provides the following explanations to show the difference between the present invention as defined in the revised claims and the cited prior art:

Ward et al., (United States Patent No. 4,178,8444) describe a two-way adjustable cooking grid, which is adjustable for both length and width. The purpose of the cooking grid disclosed by Ward et al., is to provide an adjustable grid which is capable of supporting food articles of varying size and shape in a roasting pan off the bottom of the pan (col 2 lines 44-54). Although the roasting pan is often inserted into a cooking device, such as an oven, in order to cook the food, it is clear from the teachings of the description that Ward et al., never intended to use their cooking grid as a divided oven rack. Moreover, as the Examiner states on page 6 of the Action, Ward et al., do not disclose of the grids being connected by mutually engaged rods to form a joint that has ends smaller in diameter on one portion than the ends of the other portion so that a channel passes through each of the ends and is held in-line with a pin passing therethrough.

The present invention relates to a supporting rack which is typically used as an oven rack. The supporting rack of the present invention comprises a planar surface comprising a first and second section and connection means adapted to allow for connection of the planar surface sections to form a unitary planar supporting surface. This unitary planar supporting surface can be used to support food or food containers in or outside a cooking device. The connection means of the present invention comprises a plurality of mutually engaged rods perpendicularly-arranged and being capable of separating into at least two smaller, planar sections comprising a joint wherein the ends of the plurality of mutually engaged rods of the least two smaller, planar sections are smaller in diameter ends are arranged to slide into the ends of another one of the at least two smaller, planar sections. A channel passes through each of the ends of the mutually engaged rods of each of the at least two smaller, planar sections that assumes an in-line position when joined and is also secured with at least one securing pin passing through the channel.

Based on the preceding, and regarding the Examiner's rejection of the main claims 1 and 9, **upon which the remaining claims depend**, the Applicant firmly submits that the supporting rack described in these claims is inventive and patentable over the cited reference since Ward et al., neither teaches or suggests a supporting rack comprising connection means as described and claimed in the present invention.

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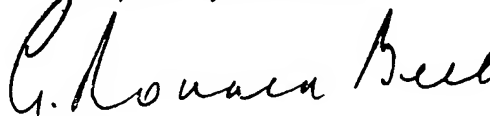
The Examiner's rejection of claims 2-8, 13-15, 18 and 10-11 is believed to be overcome considering the fact that claims 2-7, 14-15, and 10-11 depend on claim 1 and claims 13 and 18 have been removed from the claim set submitted herewith. Accordingly, reconsideration of the matter is respectfully requested.

The Examiner's rejection of claims 12, 16, and 17 under 35 USC s. 103(a) is believed to be overcome considering the fact that claims 12, 16 and 17 depend on claim 1. Accordingly, reconsideration of the matter is respectfully urged.

With regard to the Examiner's objection to claims 19 and 20 under 35 U.S.C.s 103(a) as unpatentable over Ward et al., '844 in view of United States Patent No. 4,462,497 (Maule), the Applicant firmly submits that this combination of prior art references clearly represents nonanalogous prior art. The Ward et al., '844 reference relates to a two-way adjustable cooking grid, which is recognized to be in the field of the Applicant's endeavor, however, Maule '497 teaches of a display stand for merchandise, which is not in the field of the Applicant's endeavor, nor is it reasonably pertinent to the particular problem with which the inventor was concerned as defined in Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992). Accordingly, reconsideration of the matter is respectfully urged.

It is believed that the application is now in condition for allowance and early action in that respect is courteously solicited.

Respectfully submitted,



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**AMENDMENTS TO THE DRAWINGS**

Please add the "new sheet" submitted herewith to the drawings. The "new sheet" contains new Figure 4, which illustrates an embodiment of the present invention described and claimed in the patent application.